REMARKS

In a communication mailed February 16, 2006, the Examiner requested that Applicants submit a complete response to the Office Action dated November 30, 2005 within 30 days of February 16, 2006. The Applicants' substitute specification mailed November 28, 2005 was treated as an incomplete response to the November 30, 2005 Office Action. Although it appears that the February 16, 2006 communication was issued in error and that Applicants have until May 30, 2006 (with extensions) to file a response, Applicants hereby submit this Amendment and Response in order to expedite prosecution of this application.

Claims 26, 100-114, and 117-132 are pending in this application. Applicants have canceled Claims 1-25, 27-99, and 115-116 without prejudice and without disclaimer. Applicants reserve the right to prosecute the canceled claims in one or more continuation applications.

The Examiner rejected Claims 26, 100-106, 115, and 116 under 35 U.S.C. § 103 as being obvious in view of United States Patent No. 5,758,328 to Giovanolli and United States Patent No. 6,041,310 to Green et al. The Examiner rejected Claims 107-114 under 35 U.S.C. § 103 as being obvious in view of the Giovanolli patent, the Green patent, and United States Patent No. 5,940,807 to Purcell. Applicants herein traverse the rejections. Applicants further amend Claims 26 and 107, cancel Claims 115 and 116, and add Claims 117-132. Applicants believe that pending Claims 26, 100-114, and 117-132 are allowable over the prior art of record and request allowance.

Response to the Rejection of Claims 26, 100-106, 115, and 116 Under 35 U.S.C. § 103

The Examiner rejected Claims 26, 100-106, 115, and 116 as being obvious in view of the Giovannoli patent and the Green patent.[1] M.P.E.P. § 2142 sets forth three criteria that the Examiner must satisfy to establish a *prima facie* case of obviousness:

> First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Applicants respectfully traverse the rejections because at least the third criterion is not met. That is, the combination of the Giovannoli patent and the Green patent does not teach every limitation of the rejected claims, as amended. Because the third criterion is not met, Applicants do not address the other two criteria. However, in the event that the Examiner persists in the rejection, Applicants reserve the right to argue that there is no motivation or suggestion to combine the references, to argue that there is not a reasonable expectation of success, or to otherwise rebut the Examiner's finding of obviousness.

Claim 26: The system of Claim 26 fundamentally differs from the system of the Giovannoli patent in at least this way: whereas the Giovannoli patent teaches broadcasting requests for quotation to a large number of venders, the system of Claim 26 assigns each purchase request to a limited group of dealers. To clearly highlight this feature of the system of Claim 26, Applicants herein amended Claim 26 to include the following limitation:

> a plurality of **limited groups** of one or more dealers accessible to the buyer and that are designated to have access to purchase requests that identify a product that the dealers sell, **wherein each limited group of dealers has substantially fewer dealers than an unlimited group of dealers that includes every dealer accessible to the buyer that sells the product.**

(emphasis added).

By contrast, the Giovannoli system does not assign purchase requests to limited groups of dealers. Rather, the Giovannoli system generally broadcasts requests for quotation to every vendor that meets criteria set by buyers and vendors. As the Giovannoli patent states, the resulting number of vendors "may be very large." Giovannoli patent, Col. 7, l. 45. "For example, a buyer who specifies vendors of volt meters in New York State will reach more vendors than if New York City alone were specified. . . . By joining the network, all vendors are potential class members no matter where in the world they are located. In addition, a vendor may choose to filter out requests for quotation for other than a vendor defined class of requests for quotation, e.g., requests must be for at least 10,000 pieces or for goods produced by a specific manufacturer." Giovannoli patent, Col. 7, ll. 10-20. Thus, by using the Giovannoli system, "a

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[1] Applicants note that both the Giovannoli patent and the Green patent are apparent prior art only under 35 U.S.C. § 102(e). Applicants reserve the right to swear behind the Giovannoli patent

network member buyer in Frankfurt, Germany who requests a quotation for an electronic part may receive quotations within minutes from previously unknown network member vendors in Cupertino, Calif. and Kyoto, Japan." Giovannoli patent, Col. 7, ll. 48-52.

Accordingly, it is clear from these and other portions of the Giovannoli patent that vendor filters are not intended to restrict the number of vendors to a "limited group . . . wherein each limited group of dealers has substantially fewer dealers than an unlimited group of dealers that includes every dealer accessible to the buyer that sells the product." For example, the Giovannoli patent pointedly states that, in the Giovannoli system, "[t]here is no central pricing database to limit the number of buyers and vendors of goods and services or to limit the number of goods and services which can be processed." Giovannoli patent, Col. 3, ll. 60-62. To the extent that Giovannoli vendors can exclude themselves from receiving requests for quotation, such exclusion is minimal, is not systematic, and is the exception to the fundamental nature of the Giovannoli system. Fundamentally, the Giovannoli system broadcasts requests for quotation to a large number of vendors and excludes vendors in exceptional cases.

Therefore, because the Giovannoli patent fails to teach assigning purchase requests to "limited groups" of dealers "wherein each limited group of dealers has substantially fewer dealers than an unlimited group of dealers that includes every dealer accessible to the buyer that sells the product," Claim 26 is patentable over the Giovannoli patent.

Moreover, Applicants respectfully disagree with the Examiner's finding that the Green patent teaches a dealer access module configured to permit each dealer to access the system database over a computer network using a remote terminal and to view and manage only those purchase requests assigned to the dealer. The Green patent teaches a kiosk inside a dealership that allows a customer to "contact a linked salesperson responsive to a customer-initiated request from the [kiosk] and storing the customer query and selected inventory in the storage device." Applicants submit that the Green system does not meet the claim limitations under any reasonable claim construction. For example, the Green patent does not indicate that the linked salesperson has exclusive access to his or her customer's information. Accordingly, assuming that a "linked salesperson" is a "dealer" (an assumption that Applicants believe is highly

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and the Green patent at a later date.

questionable in view of the specification), the Green patent does not teach restricting a dealer to "only those purchase requests assigned to the dealer."

In accordance with the foregoing, the combination of the Giovannoli patent and the Green patent does not teach at least the following feature of the system of Claim 26:

> a plurality of **limited groups** of one or more dealers accessible to the buyer and that are designated to have access to purchase requests that identify a product that the dealers sell, **wherein each limited group of dealers has substantially fewer dealers than an unlimited group of dealers that includes every dealer accessible to the buyer that sells the product**.

(emphasis added).

The foregoing feature, missing from the Giovannoli patent and the Green patent, is important and advantageous. Specifically, restricting access to purchase requests to only a "limited group" of dealers better serves dealers by reducing competition and increasing dealers' sales. The Giovanolli system, on the other hand, encourages hyper-competition among vendors by transmitting requests for quotation to a potentially "very large" group of vendors.

In light of the foregoing distinctions and advantages, Applicants respectfully submit that Claim 26 is patentable over the Giovannoli patent and the Green patent.

Claims 100-106: Claims 100-106 depend from Claim 26 and thus incorporate every limitation of Claim 26. Accordingly, Claims 100-106 are patentable over the Giovannoli patent and the Green patent at least for the reasons set forth above with respect to Claim 26. Applicants further submit that Claims 100-106 are independently patentable in light of the additional limitations set forth therein.

Claims 115-116: The rejections of Claims 115 and 116 are moot because Applicants have canceled these claims.

Response to the Rejection of Claims 107-114 Under 35 U.S.C. § 103

The Examiner rejected Claims 107-114 under 35 U.S.C. § 103 as being obvious in view of the Giovanolli patent, the Green patent, and the Purcell patent.[2] M.P.E.P. § 2142 sets forth three criteria that the Examiner must satisfy to establish a *prima facie* case of obviousness:

> First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Applicants respectfully traverse the rejections because at least the third criterion is not met. That is, the combination of the Giovannoli patent, the Green patent, and the Purcell patent does not teach every limitation of the rejected claims, as amended. Because the third criterion is not met, Applicants do not address the other two criteria. However, in the event that the Examiner persists in the rejection, Applicants reserve the right to argue that there is no motivation or suggestion to combine the references, to argue that there is not a reasonable expectation of success, or to otherwise rebut the Examiner's finding of obviousness.

Claims 107-114 directly or indirectly depend from Claim 26 and thus incorporate the limitations of Claim 26. Accordingly, the combination of the Giovannoli patent and the Green patent does not teach every limitation of Claims 107-114 at least for the reasons set forth above with respect to the discussion of Claim 26. Further, the Purcell patent does not teach the limitations of Claim 26. Indeed, the Examiner does not allege that the Purcell patent teaches such limitations. Accordingly, Claims 107-114 are patentable over the Giovannoli patent, the Green patent, and the Purcell patent at least for the reasons set forth above with respect to Claim 26. Moreover, Applicants respectfully submit that Claims 107-114 are independently patentable in light of the additional limitations set forth therein.

New Claims 117-132

Like Claims 26 and 100-114, Claims 117-132 each include limitations that restrict access to purchase requests to limited groups of dealers. Accordingly, Claims 117-132 are patentable

over the prior art of record for the reasons set forth above with respect to Claims 26 and 100-114. In addition, Applicants submit that Claims 117-132 are independently patentable over the prior art of record in view of their additional limitations.

Conclusion

For the reasons stated, Applicants respectfully request the Examiner to allow Claims 26, 100-114, and 117-132. If any issues remain that may be resolved by telephone, Applicants invite the Examiner to contact Applicants' attorney at (949) 721-2897.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: March 20, 2006

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[2] Applicants note that both the Giovannoli patent, the Green patent, and the Purcell patent are apparent prior art only under 35 U.S.C. § 102(e). Applicants reserve the right to swear behind the Giovannoli patent, the Green patent, and the Purcell patent at a later date.